

Oliver Lofton, Esq. (OL7459)
Deputy General Counsel
Housing Authority of the City of Newark
500 Broad Street, 5th Floor
Newark, NJ 07102
(973) 273-6564

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UNITED STATES
DISTRICT COURT

2003 MAR 26 P 3:33

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEWARK COALITION FOR
LOW INCOME HOUSING, et al.,

Plaintiffs,

v.

HOUSING AUTHORITY OF THE
CITY OF NEWARK and MEL
MARTINEZ, Secretary of Housing
and Urban Development,

Defendants.

HOUSING AUTHORITY OF THE
CITY OF NEWARK,

Third-Party Plaintiff-Movant,

v.

FAIR SHARE HOUSING CENTER,
CAMDEN COUNTY BRANCH OF
NAACP, SOUTHERN BURLINGTON
COUNTY BRANCH OF NAACP AND
CAMDEN CITY TAXPAYERS
ASSOCIATION,

Third-Party Defendants.

CIVIL ACTION NO. 89-1303

Hon. Dickinson R. Debevoise, U.S.D.J.

ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS

FILED

MAR 26 2003

AT 8:30

WILLIAM T. WALSH, CLERK

ENTERED
ON
THE DOCKET

MAR 27 2003

WILLIAM T. WALSH, CLERK
(Deputy Clerk)

THIS MATTER, having been brought before the Court on the application of Oliver Lofton, Esq., Deputy Counsel, Housing Authority of the City of Newark, attorney for Third-Party Plaintiff/Movant, Housing Authority of the City of Newark ("Third Party Plaintiff"), for an entry of an Order to Show Cause why an injunction should not be entered staying certain New Jersey Appellate Division proceedings entitled In re Allocation of Federal Low Income Housing Tax Credits, Docket No. A-1551-02T2 and In re Adoption of the 2002 Low Income Housing Tax Credit Qualified Allocation Plan, Docket No. A-10-02T2 (hereafter the "State Court Proceedings"), insofar as such proceedings apply to the Newark Hope VI Revitalization Plan, including the West Kinney Gardens Hope VI/Low-Income Housing Tax Credit Project, and restraining and enjoining the Third-Party Defendants Fair Share Housing Center, Camden County Branch of NAACP, Southern Burlington County NAACP, and Camden City Taxpayers Association (collectively "Third Party Defendants"), in connection with the aforementioned State Court Proceedings and the claims presented in those Proceedings; and the Court having considered the argument of counsel and for good cause shown:

IT IS on this 26th day of March, 2003

ORDERED that on the 3rd + 4th day of APRIL, 2003, at 9:30 o'clock, or as soon thereafter as counsel may be heard, the Third Party Defendants shall show cause before the Honorable Dickinson R. Debevoise, U.S.D.J., at the

Martin Luther King Jr. Federal Building and United States Court House, 50 Walnut Street, Newark, New Jersey, why an Order should not be entered against Third-Party Defendants as follows:

(1) granting preliminary and permanent injunctive relief staying certain New Jersey Appellate Division proceedings entitled In re Allocation of Federal Low Income Housing Tax Credits, Docket No. A-1551-02T2 and In re Adoption of the 2002 Low Income Housing Tax Credit Qualified Allocation Plan, Docket No. A-10-02T2, insofar as such proceedings apply to the Newark Hope VI Revitalization Plan, including the West Kinney Gardens Hope VI/Low-Income Housing Tax Credit Project; and

(2) preliminarily and permanently restraining and enjoining the Third-Party Defendants, their officers, agents, employees, servants, attorneys, and all those in action, concert or participation with them from commencing or filing any action, claim, suit or proceeding in any court or other tribunal or government agency (or taking any affirmative steps with respect to any existing litigation or agency proceeding) seeking to restrain, enjoin, rescind, withdraw, terminate, modify or alter the 2002 or 2003 or any future allocation of low-income housing tax credits to any development project situated in the City of Newark that is part of a present or future Hope VI development plan or other plan within the jurisdiction of this court in the within litigation; and

~~IT IS FURTHER ORDERED that, pending further order of this Court, the Third-Party Defendants, and each of them, their officers, agents, employees, servants, attorneys, and all those in action, concert or participation with them having~~

~~notice of this Order, are hereby immediately and temporarily restrained from commencing or filing any action, claim, suit or proceeding in any court or other tribunal or government agency (or taking any affirmative steps with respect to any existing litigation or agency proceeding) seeking to restrain, enjoin, rescind, withdraw, terminate, modify or alter the 2002 or 2003 or any future allocation of low-income housing tax credits to any development project situated in the City of Newark that is part of a present or future Hope VI development plan or other plan within the jurisdiction of this court in the within litigation; and~~

IT IS FURTHER ORDERED that a copy of this Order to Show Cause with Temporary Restraints, together with all supporting papers and Third-Party Plaintiff's Verified Third Party Complaint shall be served upon counsel for Third-Party Defendants forthwith in any manner or method permitted or authorized by the Federal Rules of Civil Procedures; and

IT IS FURTHER ORDERED that Third Party Defendants shall serve by hand ^{OR FAX} and file any answering affidavits or memoranda in response to plaintiffs' application for a preliminary injunction on or before 11:30, a.m., prevailing time, April 2, 2003; and Third Party Plaintiff shall serve and file any reply papers thereto by hand, on or before April 3, 2003; and

IT IS FURTHER ORDERED that Third Party Defendants shall file their Answers to Third Party Plaintiff's Verified Complaint within 20 days after service thereof.


DICKINSON R. DEBEVOISE, U.S.D.J.